

DRAFT

Summary Minutes and Record of Decisions

January 27 & 28, 2025, Board Meeting

A regular meeting of the Colorado Water Conservation Board (CWCB) convened at the Hyatt Regency Conference Center in Denver/Aurora and virtually on zoom. The meeting was called to order by Chair Nathan Coombs. 7 voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were: Brad Wind (joined at agenda item 4), Paul Bruchez, Barbara Vasquez, Jaclyn Brown (joined at agenda item 4), Lorelei Cloud, John McClow, Jessica Brody, Nathan Coombs, and Greg Felt, and Nate Pearson, Executive Director's office of the Department of Natural Resources. Non-voting ex officio members present or represented were: Scott Steinbecher, Attorney General's Office; Matt Nicholl, Colorado Parks and Wildlife; Robert Sakata, Department of Agriculture; Jason Ullman, State Engineer, IBCC Director; Becky Mitchell, and Lauren Ris, Colorado Water Conservation Board Director. Counsel to the Board, Jen Mele, was also in attendance.

On the second day, the meeting was called to order by Chair Nathan Coombs. 8 voting members were present at the call to order, so a quorum was present (at least 6 required). The voting members present were: Paul Bruchez, Jessica Brody, John McClow, Barbara Vasquez, Brad Wind, Greg Felt, Lorelei Cloud, and Nathan Coombs, and Nate Pearson, Executive Director's office of the Department of Natural Resources. Non-voting ex officio members present or represented were: Robert Sakata, Department of Agriculture; Matt Nicholl, Colorado Parks and Wildlife; Jason Ullman, State Engineer, and Lauren Ris, Colorado Water Conservation Board Director. Counsel to the Board, Jen Mele was also in attendance.

Monday, January 27, 2025

1 Review and Approve Agenda

A motion to approve the agenda was made by Jessica Brody, which was seconded by Greg Felt. The motion was approved unanimously (7-0).

2 Review and Approve November 20 & 21, 2024 Board Meeting Minutes

A motion to approve the November 2024 Board minutes was made by Jessica Brody, which was seconded by Greg Felt. The motion was approved unanimously (7-0).

3 Approve and/or Remove Consent Agenda Items

A motion to approve the Consent Agenda Items was made by Lorelei Cloud, which was seconded by Jessica Brody. The motion was approved unanimously (7-0).

1. Statements of Opposition

Stream & Lake Protection Section

Staff recommends the Board ratify CWCB's filing of the following Statements of Opposition:

- a. Case No. 24CW3133 (Water Division 1): Application of Republican River Water Conservation District

2. Water Supply Reserve Fund Grants

Grants Section

- a. **Basin - Rio Grande**
Applicant - San Luis Valley Canal
Name of Water Activity - San Luis Valley Canal Improvement Project:
Phase 2

3. Turf Replacement Grants

Water Supply Planning Section

- a. **Basin - South Platte**
Applicant - City of Boulder
Project - City of Boulder
- b. **Basin - Metro**

Applicant - Highlands Ranch Metro District
Project - Highlands Ranch Metro District

4. Flood Plain Designations

Watershed and Flood Protection Section

- a. “Flood Hazard Area Delineation, Brantner Gulch and Tributaries”, by Olsson, dated September 2024
- b. “Flood Hazard Area Delineation, SJCD (N), SJCD (S) North Tributary, & DFA 6100.5”, by Olsson, dated October 2024
- c. “Flood Hazard Area Delineation, Weir Gulch and Tributaries”, by Michael Baker International, dated October 2024

4	Directors’ Reports
4a.	DNR Executive Director – Nate Pearson
4b.	CWCB Director – Lauren Ris
4c.	IBCC Director – Becky Mitchell
4d.	Agriculture Commissioner – Robert Sakata
4e.	State Engineer – Jason Ullman
4f.	Colorado Parks and Wildlife Director – Matt Nicholl
4g.	Water Resource and Power Development Authority – Keith McLaughlin

5 **Species Conservation Trust Fund**
Interstate, Federal, and Water Information Section

Action: Report by CWCB staff member Kara Scheel. A motion to approve the staff recommendation was made by John McClow, which was seconded by Barbara Vasquez. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends, contingent upon available revenues, that the Board:
(1) Concur with the Department of Natural Resources Executive Director’s proposed recommendations to the General Assembly to approve an expenditure of up to \$5 million from the Species Conservation Trust Fund for fiscal year 2025-2026, including up to \$2.5 million for the Colorado Water Conservation Board priorities outlined herein; and
(2) Forward a statement of concurrence to the Colorado Parks and Wildlife Commission.

Instream Flow Appropriations*Stream and Lake Protection Section***a. Request to Form Intent to Appropriate Instream Flow Water Rights Water Divisions 4, 5, and 6**

Action: Report by CWCB staff member Rob Viehl, Rory Smith with Bureau of Land Management addressed the Board. A motion to approve the staff recommendation was made by Lorelei Cloud, which was seconded by Jessica Brody. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends that, pursuant to ISF Rule 5d., the Board declare its intent to appropriate an instream flow (ISF) water right on each stream segment listed in Table 1, and direct staff to publicly notice the Board's declaration of its intent to appropriate.

Table 1. Instream Flow Recommendations

Water Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow Rate (CFS)
4	Beaver Dams Creek	Uncompahgre	Ouray	3.29	headwaters	confluence East Fork Dry Creek	0.3 (09/01 - 02/29) 0.5 (03/01 - 03/31) 2.6 (04/01 - 04/30) 2.8 (05/01 - 06/30) 1.7 (07/01 - 07/31) 0.6 (08/01 - 08/31)
4	Cabin Creek	Tomichi	Gunnison	7.92	headwaters	Van Tuyl State Wildlife Boundary	1 (04/01 - 06/30)
4	Canyon Creek	Tomichi	Gunnison	8.64	headwaters	confluence Tomichi Creek	1.5 (09/01 - 03/31) 4.5 (04/01 - 08/31)
4	East Fork Dry Creek	Uncompahgre	Montrose Ouray	3.11	headwaters	confluence Beaver Dams Creek	0.6 (11/01 - 02/29) 1.5 (03/01 - 03/31) 2.5 (04/01 - 07/31) 1.2 (08/01 - 10/31)
4	Goat Creek	San Miguel	San Miguel	2.01	confluence Galloway Creek	confluence Beaver Creek	0.35 (11/01 - 03/31) 0.95 (04/01 - 06/15) 0.6 (06/16 - 10/31)
4	Main Hubbard Creek	North Fork Gunnison	Delta	2.50	headwaters	Overland Ditch	0.2 (12/01 - 03/31) 0.6 (04/01 - 04/30) 2.9 (05/01 - 06/30)

							2.6 (07/01 - 07/31) 0.8 (08/01 - 08/31) 0.3 (09/01 - 11/30)
4	Middle Hubbard Creek	North Fork Gunnison	Delta	2.37	headwaters	Overland Ditch	0.25 (08/16 - 03/31) 0.6 (04/01 - 04/30) 4.9 (05/01 - 06/30) 2.9 (07/01 - 07/31) 1 (08/01 - 08/31) 0.5 (09/01 - 10/31)
4	Red Creek (Increase)	Upper Gunnison	Gunnison	6.73	confluence West Fork Red Creek	confluence Blue Mesa Reservoir	1 (08/01 - 09/30) 2.5 (05/01 - 07/31)
4	Unnamed Tributary to East Fork Dry Creek	Uncompahgre	Montrose Ouray	2.75	headwaters	confluence East Fork Dry Creek	0.25 (11/01 - 02/29) 0.5 (03/01 - 03/31) 1.6 (04/01 - 04/30) 3.2 (05/01 - 06/30) 1.6 (07/01 - 07/31) 0.5 (08/01 - 10/31)
4	West Hubbard Creek	North Fork Gunnison	Delta	2.32	headwaters	Overland Ditch	0.4 (10/01 - 04/30) 4 (05/01 - 05/14) 6.5 (05/15 - 07/15) 3.2 (07/16 - 07/31) 1.3 (08/01 - 09/30)
5	Coon Creek	Colorado Headwaters-Plateau	Mesa	3.18	confluence West Branch Coon Creek	100' Upstream of South Side Canal headgate	0.64 (10/01 - 04/15) 3.3 (04/16 - 06/30) 1.1 (07/01 - 09/30)
5	Derby Creek (Increase)	Colorado Headwaters	Eagle	8.40	confluence South Derby Creek	confluence Colorado River	3.1 (04/01 - 06/30)
6	Clear Creek	Lower Yampa	Rio Blanco	8.32	headwaters	confluence Milk Creek	1.3 (07/01 - 03/31) 4.8 (04/01 - 06/30)

7a

Basin – Arkansas

Applicant – Upper Arkansas Water Conservancy District

Name of Water Activity – Cottonwood Lake Dam and Spillway Replacement

Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by John McClow, which was seconded by Brad Wind, Greg Felt recused himself from the vote. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$91,701 from the Arkansas Basin Account and up to \$458,505 from the Statewide Account. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

7b.

Basin – Colorado

Applicant – Roaring Fork Community Development Corporation

Name of Water Activity – Bank Stabilization Along Three Mile Creek

Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Paul Bruchez, which was seconded by Jessica Brody. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends approval of up to \$78,956 from the Colorado Basin Account and up to \$592,169 from the Statewide Account for a total of \$671,125. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

7c.

Basin – Gunnison

Applicant – Cimarron Valley River Watershed Coalition

Name of Water Activity – Big Blue Ditch Diversion Rehabilitation and Piping Project – Phase I

Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by John McClow, which was seconded by Greg Felt. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends approval of up to \$40,800 from the Gunnison Basin Account and up to \$81,200 from the Statewide Account for a total of \$122,000. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

7d.

Basin – Gunnison

Applicant – City of Grand Junction

Name of Water Activity – Juniata Enlarged Ditch Piping/Lining

Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by John McClow, which was seconded by Paul Bruchez. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends approval of up to \$32,000 from the Gunnison Basin Account and up to \$68,000 from the Statewide Account. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

7e. Basin – Rio Grande

Applicant – Conejos Water Conservancy District

Name of Water Activity – Aquifer Recharge & Recovery Study

Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Greg Felt, which was seconded by Barbara Vasquez, Nathan Coombs recused himself from the vote. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$42,750 from the Rio Grande Basin Account and up to \$137,250 from the Statewide Account for a total of \$180,000. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

8 Attorney General's Report, Legal Briefing, and Executive Session

Action: Report by Attorney General staff member Scott Steinbecher and Counsel to the Board, Jen Mele. A motion to go into executive session was made by Jessica Brody, which was seconded by Jackie Brown. The motion was approved unanimously (9-0).

9 Executive Session

- a. Colorado River Post-2026 Operations
- b. Pagosa Area Water & Sanitation District Dry Gulch Reservoir Loan Contract; Case No. 24CV30069

10 Report from Executive Session

Action: Report by Counsel to the Board, Jen Mele. A motion to come out of executive session was made by Greg Felt, which was seconded by Jackie Brown. The motion was approved unanimously (9-0).

11 Colorado River Updates

Interstate, Federal, and Water Information Section

Action: Report by CWCB staff member Amy Ostdiek.

This is an informational item with no Board action required.

12 American Rescue Plan Act (ARPA) Update
Administration & Operations and Watershed & Flood Protection Section

Action: Report by CWCB staff members Cole Bedford and Chris Sturm.

This is an informational item with no Board action required.

13 Wildfire Ready Watersheds Program Update
Watershed & Flood Protection Section

Action: Report by CWCB staff member Chris Sturm, Jeff Sickels presented to the Board.

This is an informational item with no Board action required.

14 Financial Matters – Construction Fund and Severance Tax Perpetual Base Fund
Finance Section

Action: Report by CWCB staff member Kirk Russell.

This is an informational item with no Board action required.

15 Water Project Loans
Finance Section

a. Rio Grande Water Conservation District, Special Improvement District No. 5 – Saguache Augmentation Project

Action: Report by CWCB staff member Zach Salin, Chris Ivers addressed the Board. A motion to approve the staff recommendation was made by Greg Felt, which was seconded by Jessica Brody. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends the Board approve a loan not to exceed \$6,093,330 (\$6,033,000 for project costs and \$60,330 for the 1% service fee) to the Rio Grande Water Conservation District - Special Improvement District No. 5, acting by and through its water activity enterprise, for costs related to the Saguache Augmentation Project, from the Severance Tax Perpetual Base Fund. The loan term will be 30 years at an interest rate of 2.15% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

Additionally, staff recommends the following loan contract conditions be fulfilled prior to the disbursement of loan funds for the Project:

1. Obtain easements needed for the Project, prior to disbursement of loan funds.
2. If the land is purchased by the Subdistrict with CWCB loan funds, proceeds from the sale of the land must be used to repay the loan.

16 Change to Existing Loans

Finance Section

a. Trinchera Groundwater Management Subdistrict – Water Rights Purchase (Increase)

Action: Report by CWCB staff member Joshua Godwin. A motion to approve the staff recommendation was made by Lorelei Cloud, which was seconded by Jackie Brown. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends the Board approve a loan not to exceed \$3,080,500 (\$3,050,000 for Project costs and \$30,500 for the 1% service fee) to the Groundwater Management Subdistrict of the Trinchera Water Conservancy District, acting by and through its water activity enterprise, for costs associated with the water rights purchase, from the Construction Fund. The loan term will remain 30 years at an interest rate of 2.10% per annum. This is an increase of \$757,500 (\$750,000 for Project costs and \$7,500 for the 1% service fee). Security for the loan shall remain in compliance with CWCB Financial Policy #5.

17 2025 Projects Bill
Finance Section

Action: Report by CWCB staff member Kirk Russell.

This is an informational item with no Board action required.

18 CWCB Loan Program – Construction Projects Presentation
Finance Section

Action: Report by CWCB staff member Kirk Russell.

This is an informational item with no Board action required.

Tuesday, January 28, 2025

19 Basin Directors' Reports

19a San Juan/San Miguel-Dolores River Basin Director's Report – *Lorelei Cloud*

19b Gunnison River Basin Director's Report – *John McClow*

19c North Platte River Basin Director's Report – *Barbara Vasquez*

19d South Platte River Basin Director's Report – *Brad Wind*

- 19e Arkansas River Basin Director's Report – *Greg Felt*
- 19f City and County of Denver Director's Report – *Jessica Brody*
- 19g Rio Grande River Basin Director's Report – *Nathan Coombs*
- 19h Yampa-White River Basin Director's Report – *Jackie Brown*
- 19i Colorado River (Mainstem) Basin Director's Report – *Paul Bruchez*

20 Turf Replacement Grant Applications

Water Supply Planning Section

- 20a. Basin – Metro**
Applicant – Aurora Water
Project - Aurora Water

Action: Report by CWCB staff member Jenna Battson. A motion to approve the staff recommendation was made by Jessica Brody, which was seconded by Brad Wind. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends full funding of \$100,000 to Aurora Water.

- 20b. Basin – Arkansas**
Applicant – Colorado Springs Utilities
Project - Colorado Springs Utilities

Action: Report by CWCB staff member Jenna Battson. A motion to approve the staff recommendation was made by Jessica Brody, which was seconded by Brad Wind. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends full funding of \$462,234 to Colorado Springs Utilities.

- 20c. Basin – Metro & South Platte**
Applicant – Resource Central
Project - Resource Central

Action: Report by CWCB staff member Jenna Battson. A motion to approve the staff recommendation was made by Jessica Brody, which was seconded by Brad Wind. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends full funding of \$498,087.50 to Resource Central.

21 Water Plan Update

Water Supply Planning Section

Action: Report by CWCB staff members Kat Weismiller, Corinne Anderson, and Emily Adrid.

This is an informational item with no Board action required.

22 Operational Planning Update

Action: Report by CWCB staff member Anna Mauss.

This is an informational item with no Board action required.

Public Comment – Ken Brenner and Wendell Koontz addressed the Board during public comment.

ADJOURN

A motion to adjourn the January 2025 Board meeting was made by Jessica Brody, which was seconded by Paul Bruchez. The motion was approved unanimously (8-0).